

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re GRAND JURY
INVESTIGATION 07-01

No. MJ07-153

In re Material Witness:

DETENTION ORDER
Material Witness

MIN SUP KANG

Charge: Material Witness

Date of Detention Hearing: March 30, 2007.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. §§ 3142(f) and 3144, and based upon the factual findings and statement of reasons hereafter set forth, finds that detention is necessary to adequately secure the testimony of the material witness, and to prevent a failure of justice.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Min Sup Kang was arrested on a material witness warrant in a matter currently pending before the grand jury, upon a finding that he had material evidence to provide and that it was impracticable to secure his presence by subpoena. He made his initial appearance in this Court on March 30, 2007.

(2) The United States has moved to detain Mr. Kang pursuant to 18 U.S.C. § 3144 pending his appearance before the grand jury.

(3) There is an immigration detainer lodged against the witness.

(4) Defendant has stipulated to detention, but reserves the right to contest his continued detention if there is a change in circumstances.

(5) The material witness is viewed as a risk of nonappearance based on his unknown background information and lack of information about any ties to this community or to the Western District of Washington.

(6) The Court finds that further detention is necessary to prevent a failure of justice. The material witness will be detained until his testimony can adequately be secured.

It is therefore ORDERED:

(1) The material witness shall be detained pending the taking of his testimony and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences, or being held in custody pending appeal;

(2) The material witness shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which material witness is confined shall deliver the material witness to a United States Marshal for the purpose of an appearance in connection with a court proceeding or for providing testimony in connection with a case pending in this Court; and

(4) The Clerk shall direct copies of this Order to counsel for the United States, counsel for the material witness, the United States Marshal, and the United States Pretrial Services Officer.

DATED this 30th day of March, 2007.


JAMES P. DONOHUE
United States Magistrate Judge